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September 21, 2011

Dear Ragan Broyles,

In response to your email of August 24th, 2011, I am compelled to correct several extremely erroneous statements that were made in it, and will attempt to clarify parts of it that were incoherent. Your email to me was in response to my request of July 3, 2011 to the EPA for long-overdue pre-approval status of the OSEI Corporation's first-response, non-toxic oil spill cleanup product, OSE II.

Unfortunately, the entire premise of your email response is incorrect. First of all, your letter does not clearly describe my earlier letter as what you are responding to; however, as it arrived a couple of weeks after the letter I sent RRT VI, I am assuming yours is in response to the formal request for a permit or authorization of OSE II for the Deepwater Horizon oil blowout (known as DWHS) and permanent pre -approval status by RRT VI for the use of OSE II. I expect you to verify this in any future response to me so that it is known and clearly understood that we are discussing the same letter.

Your first sentence was,

"I am responding to your email of July 3, 2011 to provide information on the process for authorizing the use of bioremediation agents for spill response, and to clarify what appears to be some misconceptions regarding the current status of consideration for use of your product on the remaining oiled areas from the Deep Water Horizon Spill",

I did not ask for information on the process and your stating that I requested this information is a false statement in regards to my personal and the OSEI Corporations request for a permit/authorization, and pre approval.

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Your email misconstrued the premise of my letter. My letter was a formal request, personally and by the OSEI Corporation, for a use permit and/or authorization of OSE II for use on BP's Deepwater Horizon oil blowout, and permanent pre approval for OSE II. RRT VI has given a horrifically toxic product, Corexit 9527A full authorization and pre-approval status. The fact that Corexit 9527A is incredibly destructive has been fully verified and agreed upon in a joint consensus by numerous scientists and other highly credible authorities living on the Gulf Coast.

At the end of paragraph one, you state,

"There appears to be misconceptions regarding the current status of consideration for the use of your product on the remaining oiled areas from the Deep Water Horizon Spill."

By using the phrase "the remaining areas", it clearly shows that you are either completely out of touch with the reality of what is going on in the Gulf now regarding the on-going devastation and just how wholly inadequate the past remediation efforts have been, or you do not want the full scope of on-going damage that the blowout is creating to be known. There are and have been numerous reports of new oil from the well and seabed fractures on a continuous basis, and the new, fresh oil has been fingerprinted by independent scientists as unquestionably from the Deepwater Horizon well.

Contrary to Dana Tulis' (the EPA's Deputy Office Director in the Office of Emergency Management) assurance to me in the winter of 2011 that since July 2010 only 210 gallons of the highly toxic Corexit had been applied, there are numerous reports, as well as video's and pictures, of unmarked aircraft applying Corexit near shore. Just one of the C130's that was filmed doing the spraying as recently as a month ago holds ten times that amount, and there have been smaller C120, or C123's that have been documented as applying Corexit near shore, as well. You, as a representative of the EPA/RRT are allowing the continued application of Corexit, if for no other reason than the fact that you have the means to stop it and are not doing so.

There has also been a formal request by the State of Louisiana to the Coast Guard to cease and desist the use of Corexit/dispersants in the Gulf waters, as well as a formal request to President Obama through certified mail to halt the use of Corexit/dispersants in the Gulf of Mexico as well. Yet the application of Corexits/dispersants continues, under your watch.

Contrary to your statements, there are no misconceptions regarding the current status for the use of OSE II. In future correspondence with me or my company, I would appreciate it if you would use the proper name for the product - "OSE II" - rather than referring to it as "your product." This is not my product, it belongs to the OSEI Corporation. In your following response, please acknowledge this correction. The OSEI Corporation has fully documented the fact that OSE II has been directly requested by not only the responsible party, but also Gulf State officials, one

City Council, and a letter from the U.S. Coast Guard that stated the FOSC should take action with OSE II. None of these were honestly addressed or acted upon by the EPA/RRT VI. Most were summarily ignored, despite the fact that the formal requests were coming from key stakeholders with representatives on the RRT.

In a recent meeting I had with BP's Senior Legal Counsel and 3 other BP attorneys. They reiterated the fact that BP had made the request for OSE II in June of 2010, and EPA denied their request. BP's lawyers stated they were bound by the government's decision. I asked why they were bound by it, since the EPA/RRT decision is costing their company needless billions of dollars. "The BP lawyer stated that they presented several items, and the EPA/RRT decision was final". The fact that BP stated they were bound by a forced decision to use an inadequate response that exacerbated the spill destruction may be something they will use in court.

This is an outrageous situation for a company to be in: forced to use the EPA/RRT VI's "preferred", as you described it, mechanical device cleanup and horrifically toxic dispersants that have exponentially increased the devastation caused by the blowout, and then forced to pay for all the damage created by the EPA/RRT's arbitrary and unscientific decision. It would seem that, in a court of law, BP has a great defense: "We tried to switch to a non-toxic, effective cleanup response and the RRT/EPA wouldn't let us; therefore we are not culpable for the destructive aftermath of the use of proven-to-be ineffective, yet 'preferred' EPA/RRT cleanup response methods."

On several occasions now, I have had to send formal letters to correct false information that Sam Coleman (the EPA's Director of the Superfund Division) and Charlie Henry (NOAA's Lead Scientific Support Coordinator for the BP Deepwater Horizon Oil Spill) have made. They have used baseless supposition to cast aspersions on OSE II, mischaracterized OSE II, and defamed the OSE II product, all of which are unlawful actions and outside of their and other EPA and government officials' employment contracts. In fact, the RRT VI and EPA officials who have justified the use of either versions of Corexit, and who have stated that it helps to breakdown the oil into droplets so microbes can digest them, is a false representation of both products' capabilities. The EPA has known since 1992 that anything with 2 butoxy ethanol in it prevents and slows degradation because it is so toxic that it kills the microbes. Yet Lisa Jackson and representatives from DOI, DOC, NOAA, and the Coast Guard have all made false statements in regards to what either of the Corexit products actually do, and this, too, is outside of their employment contracts.

The EPA, RRT VI, DOC, DOI, and Coast Guard have all made incorrect statements that have misled Gulf residents and the general public, showing great bias and favoritism toward one company's products. This, also, is outside of these employees' employment contracts. The fact that RRT VI has pre-approved one product out of the over 200 that have come and gone on the NCP list since 1989 also demonstrates

flagrant favoritism to one company's product, especially in light of the fact that Corexit destroys the environment and the living creatures in it.

Your letter does not address my formal requests. Instead, it focuses on numerous items that have nothing to do with the original letter. I can discuss numerous merits of spill response with the EPA and other governmental agencies, if that's what you want to do. I assure you, science, experience and common sense are not on your side. Your "preferred" response of mechanical clean up and dispersant-Corexit has been absolutely proven to be a total failure, harmful to the environment, marine species, dangerously compromising human health, and needlessly running up clean up costs to an estimated 42 billion dollars, as of this date.

There is a scientific report that fully demonstrates the water, sediments, seafood, and human blood VOC levels are now at an extremely high level, proving that your "preferred" response of mechanical devices and allowed response of toxic dispersants to be a complete failure. This document proves that your "preferred" response is a failure and is backed up by the pictures and videos of millions of dead marine species that have died, as well as the pictures and videos of millions of gallons of oil coming ashore under the water's surface in plumes, or tar balls, all making boom response obsolete.

The next item you focus on in your email is the process for approving the use of bioremediation agents for use in spill response, and that the process for pre-approving such uses is established in 40 CFR part 300 subpart J. The arrogance of quoting such a fundamental and basic regulation to someone who has effectively cleaned up over 16,000 oil spills and who has the largest non-toxic spill response company, and who has the only non-toxic, first-response product on the NCP list is somewhat astonishing but certainly not out of character based on my extensive experience with the EPA/RRT over the past 23 years.

More importantly, you have quoted regulations, laid out by Congress to guide you in your RRT activities, that have either not been read by you, or, if read, not understood as they clearly state the opposite of the point you were trying to assert.

First, regarding Section 40 CFR, Part 300, Subpart J 300.910, it clearly states:

"RRT's and Area committees shall address as part of their planning activities, the desirability of using appropriate dispersants, surface washing agents, surface collecting agents, bioremediation, or miscellaneous oil spill control agents listed on the NCP product schedule".

That is exactly what I expect the RRT and Area committee to carry out with my formal request and the OSEI Corporation's formal request for the permitting, authorization and pre approval of OSE II. I am requesting only that you do your job, per the regulation you quoted.

The EPA/RRT has failed to do this since you requested BP to test demonstrate the bioremediation products before they were approved for use. This shows you were not adequately prepared for a spill despite the fact that the EPA/RRT spends enormous amounts of taxpayer money to be prepared for. Since OSE II is the only first-response, non-toxic bioremediation product on the NCP list, and since the on-going devastation to the Gulf is continuing to get worse, you need to act on and follow your regulation immediately with OSE II.

Had you read and/or understood all the information I sent the EPA/RRT VI, you would have seen that there are Louisiana State Senators, as well as DEQ officials, that want OSE II utilized immediately. These are key stakeholders with natural resources being destroyed every day that passes without effective cleanup response methods employed. Louisiana Governor Jindal's fast-track review panel studied all of OSE II's information, efficacy testing, toxicity testing on fresh and salt water species, dispersant test, metals and chlorinated hydrocarbon tests, OSE II's extensive clean up experience on open water and sensitive shorelines, marshes, and even ground water, and deemed OSE II as a clean up product they wanted used immediately. So, unless there is some other agenda going on that has nothing to do with cleaning up and protecting the natural resources which are entrusted to your protection, your review panel should come up with the same, since it is made up of academia and stakeholders just like the Governor's panel.

By quoting the stated regulations, you have pointed out the RRT's and the area committee's job. It would appear they have not adequately performed this task of addressing the desirability in the past since they had no idea as to the function, experience, and nature of OSE II, an NCP listed product. As is noted in my formal request and many of the attached documents to that request, your region VI EPA has successfully used OSE II on a sensitive US navigable water spill on the Osage Indian reservation. After two years of unsuccessfully trying to utilize "preferred" mechanical methods, the RRT VI finally allowed OSE II to be utilized and the entire spill was cleaned up in a matter of a couple of months. So RRT VI has experience, themselves, with the safety and benefit of using OSE II in sensitive marsh and shoreline settings. Again, this was pointed out in the formal request. How can you deny something that has proven successful use in the field previously, forcing a responsible party to carry out a previously-proven-to-be-inadequate response?

Also stated many times in the documents I sent, and which can be easily verified with Steve Fry of the U.S. Navy, OSE II was used on 100's of spills in the sensitive bay area of the San Diego Bay for three and a half years, with dolphins, whales and other marine life nearby, with no adverse environmental effects and no marine life harmed. Please make sure the DOC and DOI, as well as all the RRT members, fully understand that as it is in stark contrast to what happens when either version of Corexit is used. The real significance of this information is that if OSE II was going to cause any environmental, wildlife, marine life, or human health problems, these

would have shown up in that environment with the hundreds of times of repeated use. None ever arose.

As you may know, Nick Nichols reviews product information to ascertain a product's acceptability for the NCP list. He, Debra Dietrich (the EPA's Associate Administrator for Homeland Security) and others witnessed the U.S. Navy's Steve Fry when he and his assistants stated that they had used OSE II "hundreds and hundreds of times" to cleanup spills in San Diego Bay and had never had a single adverse consequence. This information was also pointed out in the documents for the pre approval and use permit or authorization request for OSE II to be used on BP's Deepwater Horizon blowout. Proven field use successfully addressing 100% of a spill minimizing the impact of the spill to the environment, unlike Corexits/dispersants, and preferred mechanical clean ups failures.

OSE II has an enormous track record of use on open water and in sensitive areas, as well as for ground water for drinking, shoreline and marsh areas. The EPA/NETAC Efficacy tests, the EPA NCP test of 2009, thousands of tests by governments, universities and militaries, irrefutable real-life cleanups in the field, and the recent BP Bio-Chem Strike Team's successful tests at LSU all prove beyond a shadow of a doubt how effective OSE II is at converting oil to a tested, scientifically predictable, substantiated end point of CO₂ and water.

The more than 14 toxicity tests on fresh and salt water species, of which over 7 of the toxicity tests were performed by Hap Prichard at Gulf Breeze Florida, proves that no matter what ingredients are contained in OSE II, there are no toxicological problems with the use of OSE II in sensitive areas, and certainly nowhere near the toxicity of the lethal Corexits that the area command and the EPA/RRT have signed off on for pre approval, despite the fact that Corexit's own MSDS clearly states "do not contaminate surface waters" with it. OSE II has proven to be safe in the lab and the field exponentially.

I mention the toxicity tests since NOAA's Charlie Henry defamed, mischaracterized, and used supposition and innuendo to thwart the approval of OSE II for the DWHS. His statements are on record through RRT meeting minutes. His actions were unlawful and outside of his employment contract. Sam Coleman and the EPA then used Charlie Henry's statement, that he "will not allow a product with surfactants to be used" as a scientifically unfounded reason to thwart the implementation of OSE II by the U.S. Coast Guard and Louisiana DEQ. Henry's statement was scientifically baseless and showed that not only had he not reviewed OSE II's technical information, which is clearly contained in our technical package and open to the public on our website, but it also showed that he does not understand mother nature's own process of oil spill cleanup. Nature creates and incorporates the use of surfactants as part of the cleanup process of any toxic site. I am bringing up, once again, these baseless attempts to thwart OSE II in case they happen to rear their head again as an "unscientific" reason to not use OSE II.

There is no scientific or valid reason of any kind not to use OSE II in open water, beaches, shorelines, or marshes, since OSE II has been used successfully in these areas for 23 years. There are no destructive “trade offs” with the use of OSE II, as the EPA’s Administrator Lisa Jackson admitted there are with the use of toxic chemical dispersants like Corexit. It should be an easy decision to authorize and pre approve the product OSE II with no trade offs, over the horrifically toxic Corexits with no benefit to spill response.

The regulation you referred to clearly lays out the job the RRT and Area command are to do, or, otherwise, be proven to be derelict in its duties. If the EPA/RRT actually carries out the regulations you reference, oil spill response can move forward with OSE II and leave behind the antiquated, outdated response methods that the DWHS has so painfully proven, once again, to be complete failures.

The second part of your second paragraph states

“The federal on scene coordinator (FOSC) may approve the use of such agents during a spill response, with the concurrence of the Regional Response Team (RRT) representatives from EPA, the states with jurisdiction over the waters threatened by the release or discharge, and in consultation with the appropriate DOC and DOI natural resource trustees”.

There have been numerous requests for the immediate implementation of OSE II on the DWHS from officials described in the above regulation. The State of Louisiana Department of Environmental Quality (LA DEQ) requested the demonstration of OSE II at least twice. Louisiana’s Governor Jindal tried to get OSE II demonstrated in the field. (A side note to this is that Sam Coleman, through Dwight Bradshaw, threatened me that if I complied with the Governor’s request for a demonstration there would be dire consequences for the OSEI Corporation. This act was unlawful and an extreme divergence from the EPA’s mission statement or Sam Coleman’s employment agreement.) The Coast Guard sent a letter to the FOSC to take action with OSE II. OSE II was successfully tested by the BP BCST with LSU, and OSE II has been on the NCP list for many years. It was also demonstrated successfully on the BP spill in a marsh area in Mississippi on the order of Mississippi State Senator Tommy Gollot, after which he made a formal request for it. There is *no* scientific reason to not use, authorize, pre approve and permit OSE II. Despite all of these requests that squarely fall under the regulation stated above, the EPA/RRT/FOSC has continued to ignore and/or thwart any efforts to effectively cleanup the devastatingly destructive environmental impacts being created by the DWHS.

Your next statement that

“the Federal On Scene Coordinator (FOSC) may approve the use of such agents during a spill response, with the concurrence of the Regional Response Team (RRT) representatives from EPA, the states with jurisdiction over the waters threatened by the release or discharge, and in consultation

with the appropriate DOC and DOI natural resource trustees. In the case of the Deepwater Horizon spill, the USCG provided the FOSC, and has made no request for concurrence by the RRT representatives listed above on the use of your product.”

I am assuming you mean OSEI Corporations’ product, OSE II. Correct?

My response to the above paragraph will be covered in several paragraphs below.

First, we possess the document where Dr. Tsao of BP’s BCST requested the approval to the Coast Guard for the demonstration of OSE II in the field. Mr Goetzee scolded Dr. Tsao, then stated he would submit the request, and he added the statement Charlie Henry of NOAA had made, when he stated “I do not think the RRT will approve of the demonstration since there are products with surfactants.” This shows the Coast Guard and the RRT were misinformed as it implies that there is something wrong with a product that has a surfactant. They obviously are not aware that there are different types of surfactants. Those that Mother Nature uses to safely and in a non-toxic way clean up oil spills and other toxic sites, compared to some that are man-made toxic surfactants like the ones in Corexit which the EPA/RRT have approved for use in massively destructive quantities. Charlie Henry’s scientifically baseless statement has harmed the OSEI Corporation’s ability to sell its product, and the liberty to make money.

The documents show there was a request by the responsible party for the use of OSE II, and there were, also, direct requests to Unified Command by state senators. If the Coast Guard did not let everyone know of the request, then I am assuming you are pointing out the FOSC was derelict in its duty. As I also stated the FOSC was directed by Coast Guard Grotten, Connecticut to take action with OSE II; so if the FOSC failed to carry out all the actions possible to protect the natural resources of the United States, they should be reprimanded, at the very least. Since the EPA is the Co-Chair with the USCG, they are supposed to help out in an emergency, as well.

There were several direct requests by DEQ for the demonstration of OSE II and other products, and EPA refused to act on them, as well. There were numerous requests for OSE II and, by flagrantly ignoring the requests or covertly thwarting their efforts to protect US natural resources and the public’s health, the EPA/RRT did not fulfill its duties and violated its mission statement, which caused the OSEI Corporation to have to send direct requests to the RRTs for a permit, authorization and pre approval. Even a cursory study of the data would show that, per your regulations, the EPA/RRT is required to do this.

In your email, you mention that DOI is a natural resource trustee, and is one of the decision makers. I want to alert you to the fact that the RRT trustee for natural resources, US Department of Interior through BOEMRE, in June of 2011, tested and compared OSE II, dispersants/Corexits, and mechanical clean up. The study showed

that, once again, OSE II worked extremely well and converted 67% of the dielectric oil to water and CO₂ in 28 days, which means that, if given just a short time more, 100% of the oil would have been converted to CO₂ and water achieving a total cleanup. Corexits/dispersants could never accomplish.

Compare that to Corexits in the DOI study, which, of course, did not clean up any of the oil, but only sank it below the surface and spread it throughout the water column, prolonging the oil's time in the environment and exacerbating its toxic impacts. The study pointed out that as the temperature drops so does the sinking ability of the Corexits. Predictably, the testing of mechanical skimming showed skimming could occur in the DOI study; however, the best that can be expected from mechanical clean up is 2 to 8% which is absurdly inadequate, since this leaves 92 to 98% of the oil to contaminate the environment. These two types of response have proven in the BP DWHS to be inadequate, and they both exacerbate natural resource destruction or needlessly allow it.

The fact that the DOI a natural resource trustee has successfully tested OSE II now should prove OSE II should be authorized, and or pre approved. More scientific reason that OSE II should be the EPA/RRT's preferred response because it limits natural resource damage, and has a 100% predictable application end point of CO₂ and water.

Your next paragraph states

"In response to your request for issuance of a permit for use of your product on BP's Deepwater Horizon Macondo oil blowout of April 20, 2010 there are no existing authorities for issuing such a permit."

This is really disingenuous. Because of my long experience with the EPA/RRT and other government agencies I have noticed that it is common practice to frequently change terms and terminology in order to confuse what would be a simple issue to normal people. In light of that fact, I wrote my formal request in such a way that it covered several ways to make the request, with the intention of covering all bases so that it couldn't just be arbitrarily brushed off. In my request, I stated,

"In light of all of the above, I, Steven R. Pedigo the individual, and the OSEI Corporation hereby request the immediate approval of the implementation of OSE II, and that a permit be issued for the use of OSE II on BP's Deepwater Horizon Macondo oil blowout in the waters of the Gulf of Mexico that began, per reports, on April 20, 2010."

The entire request was not specific to a permit; it covered approval and implementation, and permitting, as well as pre approval. Therefore the fact that there is no authority for permitting should not stop the EPA/RRT VI from fulfilling the regulation you quoted, by approving OSE II for the BP DWHS, and pre approving

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OSE II, since there is absolutely no scientific reason not to authorize, pre approve, and allow responsible parties to utilize OSE II in region VI.

Regarding your next statement,

"The goal of the RRT, in making decisions regarding the use of alternative spill response technologies is to minimize environmental damage."

Minimizing environmental damage should be the standard for any response technology. Yet the damage that the EPA/RRT has allowed, supported and justified through the use of the two Corexits, as well as the inadequate mechanical response methods violate this standard to an astonishing extent as numerous scientists have proven.

OSE II is not an alternative technology, it is the only first-response, non-toxic technology that is the preferred method in many other countries where they want to actually clean up their oil spills. Mechanical clean up and dispersants cannot begin to compete with OSE II on any level or aspect of a spill. What should be considered as "alternative" should be mechanical means since they are relatively so ineffective.

The next statement in your letter states

"...while Region 6 RRT has acted to issue pre-authorization to FOSC's for the use of dispersants in waters deeper than 10 meters, and/or farther than 3 nautical miles, whichever is farther from the shore".

The fact that you have to limit this chemical dispersant from certain areas proves it causes problems to some areas of the environment. As the DWHS has proven, the problem is that the Corexit, after sinking the oil, causes the oil to come ashore underwater as tar mats, plumes or tar balls and this allows the destructive toxicity of the dispersants to adversely effect the marshes, shorelines, and beaches. So there is *no* area that is safe to apply dispersants. The millions of dead animals that lived in the water column are visual proof that dispersants should never be used.

Dispersants created more problems by moving the dispersant and oil into secondary areas, like the water column, the seabed, and into the marshes, and beaches, where the same oil that had dispersants applied to them out in the open water had to, then, be addressed a second time ashore, after devastating the environment while on their journey to the seashore. This type of response method creates endless secondary problems and not only does not minimize environmental damage it makes the negative impact exponentially worse.

Your letter then states that *"RRT 6 has maintained a policy of favoring mechanical removal of oil from the environment when feasible"*.

The BP DWHS has proven mechanical cleanup is not feasible, and allows too much damage to the environment. In fact, Exxon utilized mechanical cleanup on the recent

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Yellow Stone River, and they will now spend 42 million on a spill that could have been 100% addressed with OSE II with less environmental damage, for approximately \$900,000.00. Mechanical cleanup allowed more than 200 miles of shoreline to become contaminated. This allowed an enormous amount of environmental damage and did not minimize anything, other than Exxon's wallet.

Your letter then states,

"The near shore and inland environments are ecologically diverse, and variables such as seasonality, temperature, nutrient levels, substrate environmental sensitivity, and the nature of the spilled oil all have to be taken into account in determining which spill cleanup methods minimize environmental impact."

All this sounds like a lot; however, one of the definitions of insanity is 'doing the same thing over and over and expecting a different outcome.' Supposedly the EPA/RRT is taking all of these variables into account, but then they unfailingly continue to carry out the exact same antiquated, proven-to-fail response. One could actually say that when it comes to oil spill response, the EPA/RRT do not need to exist, since, for 23 years, they have carried out exactly the same methods with no change, whatsoever, despite the unbroken sequence of failed responses. It is time for a change.

Your letter then states that, for the above reasons (the variables you mentioned),

"it is highly unlikely that preauthorization would ever be issued for all navigable waters within Region 6 as you have requested".

Yet, scientifically, not one of the reasons you mentioned can be used as a valid means to not pre approve OSE II, since OSE II emulates mother nature's own process, and all OSE II does is speed the process up, to prevent toxic hydrocarbons from imposing their toxicological effects on the environment for an extended time. Doing nothing at all is the same as using OSE II slowly!

Regarding your next statement:

"instead, decisions on the use of your product, pending a request for concurrence from a FOSC, would more likely be made case by case basis, and would involve consideration of the full range of available clean up methods, with the goal of minimizing overall environmental damage."

This statement *sounds* good because it implies that there are a lot of other products available and that the EPA/RRT diligently handles each one and approves or disapproves of each one based on the strengths of its own merit. However, once one knows the history of the EPA/RRT over the past 23 years related to oil spill cleanup

methods, and is familiar with the other very short list of bioremediation products on the NCP list, the statement becomes transparently disingenuous and misleading. Of the over 200 products that have come and gone on the NCP list over the past 23 years, and the only 10 or so bioremediation products that are currently on the list, the EPA/RRT has never once approved any other product for use on US navigable waters than Corexit. By so doing, the EPA/RRT has created and supported a monopoly for one product and one company and has shown pure bias and favoritism to that product/company.

Again, the EPA/RRT's have always allowed, supported and justified the exact same failed oil spill responses over and over and, in so doing, are absolutely responsible for extraordinary amounts of damage to the environment and the marine and wildlife. I do expect OSE II to be pre approved, since there is no scientific reason not to do so, as all the overwhelming evidence in the request information proved.

If, as you say, the "case by case" scenario was true, then OSE II would have been approved rather than thwarted by the EPA/RRT when a preponderance of the following occurred: 1) the responsible party requested it; 2) the Governor of Louisiana requested it to be field demonstrated; 3) LA DEQ requested it; 4) State Senators from Louisiana, Mississippi, and Alabama and the City Council of Destin, FL each made formal, written requests for it; 5) the U.S. Coast Guard wrote an internal "take action with OSE II" letter; 6) the multiple successful demonstrations on the BP spill, especially the demonstration in Mississippi on beach and marsh; 6) the EPA's own successful use of OSE II on the Osage Indian Reservation; 7) the new NCP listing test that the EPA did on OSE II; 8) BP's successful Bio-Chem Strike Team test performed at LSU. There are an overwhelming number of reasons to approve OSE II for the BP DWHS; yet NOAA and the EPA used scientifically baseless excuses to not thwart it, instead. So, again, the "case-by-case" scenario you assert in your letter does not exist, as the past 23 years has proven.

The EPA makes money off of spills by fining and assessing penalties for oil spills. The outdated antiquated proven failed responses of mechanical devices, and dispersants, that create more damages, allows for larger fines and penalties. OSE II by limiting the spills impact and collateral damages, would prevent the EPA from assessing as large of a fine as they can with the failed responses. The EPA and NOAA utilizing scientifically baseless excuses to not use OSE II seems to suggest the EPA is protecting its ability to assess larger fines. This violates your reasoning for utilizing a spill response, and the EPA's charter, or mission statement.

The price of fuel is also adversely affected by oil spills since the American public is forced to pay a tax of approximately 18 cents per gallon of fuel and possibly more, that is set aside for oil spill contingency response by the government. The public is forced to pay for private companies inability to pay for or respond adequately to an oil spill. Since OSE II can reduce the cost of spill response with failed mechanical and dispersant response, and limit damages from oil spills, this tax could remain the

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same or reduced instead of being raised as has been recently suggested. This is a needless tax on the US economy, and is easily reduced when the EPA/RRT VI correctly pre approve the use of the only product in the world that can clean up the Gulf spill mess exacerbated by the EPA's forced failed response, OSE II!

I expect OSE II to be immediately approved/authorized/permitted - whatever term you want to use - to get OSE II immediately implemented on the BP DWHS spill, and expect the pre approval of OSE II for RRT 6 just as you have given one company's product for 23 years. The only difference is that OSE II creates clean water, is safe, will not kill people or wildlife, minimizes environmental impact of the oil, and has a substantiated, tested endpoint of CO2 and water, which even DOI has recently proven. Corexit has no substantiated end point, spreads the toxicity far and wide, destroys or harms the environment and all wild life and marine life with which it comes in contact. As the information with the request also proved, OSE II meets all of the NOAA selection guide requirements. Corexit meets none of the NOAA selection guide requirements except that it is available.

There are several documents that will be included with this response, the DOI successful test, and a comparison of OSE II to mechanical clean up, and dispersants/Corexits, covering effectiveness, toxicity, compromised health, natural resource damages, litigation, and costs. OSE II has proven to be far superior in every category!

BP's senior Legal Counsel stated that they would utilize what is available if I, and or the OSEI Corporation can get the government to change the response and stops preventing them from utilizing an effective method of oil spill cleanup. OSE II is what BP requested, now EPA/RRT VI needs to authorize it's use. It's time to change from the outdated, proven-failure responses of mechanical clean up and dispersants/Corexits to the most world-wide preferred means to efficiently clean up oil - OSE II.

Sincerely,

Steven Pedigo